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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JOSE EZEQUIEL MONROY,  
a/k/a Jesus Alatorre,  
a/k/a "Huesos" or "Bones,"  
  
Defendant.

No. CR 11-00656 LHK

STIPULATION AND ~~PROPOSED~~  
ORDER TO CONTINUE STATUS  
APPEARANCE AND EXCLUDING TIME  
FROM FEBRUARY 8, 2012 TO  
FEBRUARY 29, 2012

The defendant, JOSE EZEQUIEL MONROY, represented by Manuel Araujo, Assistant Federal Public Defender, and the government, represented by Daniel R. Kaleba, Assistant United States Attorney, jointly request that the appearance set for February 8, 2012 be continued to February 29, 2012. Counsel for the government will be unavailable on February 8, 2012 because he will be out of town to attend a funeral. Further, the parties have discussed a resolution in the matter, and both parties would benefit from additional time to conduct the necessary investigation, including into both the facts of this case, as well as the criminal history of the defendant, to reach a possible resolution.

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1 The parties also jointly request an exclusion of time under the Speedy Trial Act between  
2 February 8, 2012 and February 29, 2012, because additional time is necessary to review the  
3 discovery and to conduct necessary investigation.

4 IT IS SO STIPULATED.

5  
6 Dated: February 8, 2012

/s/  
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MANUEL ARAUJO  
Attorney for Defendant  
JOSE EZEQUIEL MONROY

7  
8  
9  
10 Dated: February 8, 2012

/s/  
\_\_\_\_\_  
DANIEL R. KALEBA  
Assistant United States Attorney

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14 Based upon the representation of counsel and for good cause shown, the Court finds that  
15 failing to exclude the time between February 8, 2012 and February 29, 2012 would unreasonably  
government both  
16 deny the ~~defendant~~ continuity of counsel and would deny counsel the reasonable time necessary  
17 for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §  
18 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time  
19 between February 8, 2012 and February 29, 2012 from computation under the Speedy Trial Act  
20 outweigh the best interests of the public and the defendant in a speedy trial. Therefore, IT IS  
21 HEREBY ORDERED that the time between February 8, 2012 and February 29, 2012 shall be  
22 excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

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25 DATED: 2/7/12 \_\_\_\_\_

  
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LUCY H. KOH  
United States District Judge